

REMARKS

Applicants' representative would like to thank Examiner Cotroneo for the courtesies extended during an interview conducted on October 12, 2010. During the interview, Applicants' representative presented arguments to the Examiner that Wagner (U.S. Pub. No. 2001/0014807) and Nielsen (U.S. Pat. No. 3,515,418) each fail to teach or suggest a bone fixation apparatus including an annular member moved between an expanded position and an unexpanded position by rotation of the annular member relative to a fastener shaft following insertion of the fastener shaft into a bone. Specifically, Applicants' representative noted that the bone screw (20) of Wagner must be moved relative to the ring (18) to cause radial expansion of the ring (18), as the taper of the head (32) of the bone screw (20) is what causes expansion of the ring (18). Further, Applicants' representative presented arguments that the ring (25) of Nielsen is an internal component of the tube (11) and, therefore, cannot be rotated independently from the tube (11).

The Examiner suggested amending independent Claims 47, 58, and 65 to recite that the annular member includes an engagement formation that facilitates rotation of the annular member relative to the fastener shaft. The Examiner indicated that amending independent Claims 47, 58, and 65 in such a manner would define over the cited art of record. Accordingly, Applicants have amended independent Claims 47, 58, and 65 to recite an annular member including an engagement formation and, as such, respectfully submit that independent Claims 47, 58, and 65 are in condition for allowance. While the Examiner indicated that amending independent Claims 47, 58, and 65 in the foregoing manner defines over the subject art of record, no agreements

were reached with respect to patentability, as the Examiner indicated that further search and/or consideration are required. No exhibits were shown or demonstrations conducted.

Claims 47-66 are now pending in the application. By this Paper, Claims 47, 58, and 65 have been amended. The basis for the foregoing amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 47-66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wagner et al. (U.S. Pub. No. 2001/0014807) in view of Nielsen (U.S. Pat. No. 3,515,418). These rejections are respectfully traversed.

As discussed during the interview of October 12, 2010, Wagner fails to teach or suggest a bone fixation apparatus including an annular member having an engagement formation operable to receive a tool to move the annular member between an expanded position and an unexpanded position by rotation of the annular member relative to a fastener shaft following insertion of the fastener shaft into a bone. Rather, Wagner discloses a ring (18) that is moved into an expanded position due to engagement between a taper of a head (32) of a bone screw (20) engaging the ring (18) when the

bone screw (20) is inserted into a bone. See Wagner at Paragraph [0039]. Nielsen likewise fails to teach or suggest an annular member including an engagement formation operable to receive a tool, as the ring (25) is an internal component of the tube (11) and, therefore, cannot be rotated independently from the tube (11) by a tool or otherwise.

Because the Examiner indicated that the foregoing amendments to independent Claims 47, 58, and 65 define over the cited art of record, Applicants respectfully submit that independent Claims 47, 58, and 65, as well as Claims 48-57, 59-64, and 66, respectively dependent therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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